

03-14-05

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Express Mail Label No. ER 566 010 673 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/609,194 Confirmation No. : 7602
First Applicant : Daniel J. Potter Art Unit : 3763
Filed : 26 June 2003 Examiner : Not Yet Assigned
Title : Tearable hemostasis valve and splittable sheath
Docket No. : 001-041700US
Customer No. : 33486

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**SECOND INFORMATION DISCLOSURE STATEMENT
PURSUANT TO 37 C.F.R. §§ 1.56, 1.97, AND 1.98**

Sir:

The Examiner is respectfully requested to consider the patents, patent applications, publications, or other information cataloged on the enclosed Form PTO-1449 during examination of the above-identified patent application. The order of presentation of the references should not be construed as an indication of importance. These references are submitted for the Examiner's consideration and are submitted pursuant to an Applicant's duty of disclosure under 37 C.F.R. § 1.56.

Copies of all of the cited documents

☒ are enclosed unless otherwise indicated on the enclosed Form PTO-1449.

☐ have been previously furnished to the Office in prior application No. _____, filed _____, which the present application relies upon for an earlier effective filing date under 35 U.S.C. § 120. Therefore, no copies of the cited documents are included herewith pursuant to 37 C.F.R. § 1.98(d); MPEP § 609(III)(A)(2).

☐ are enclosed unless they are U.S. patents or U.S. patent application publications, which are not enclosed since this application was filed after 30 June 2003. See "Information Disclosure Statements May Be Filed Without Copies of U.S. Patents and Published Applications in Patent Applications filed after June 30, 2003," 1276 Off. Gaz. Pat. Off. 55 (5 Aug. 2003).

**I
BASIS**

This information disclosure statement is filed pursuant to

☒ 37 C.F.R. § 1.97(b).

This information disclosure statement is filed either (1) within three months of the filing date of a national application other than a continued prosecution application under 37 C.F.R. § 1.53(d); (2) within three months of the date of entry of the national stage as set forth in 37 C.F.R. § 1.491 in an international application; (3) before the mailing date of a first Office action on the merits; or (4) before the mailing of a first Office action after the filing of a request for continued examination under 37 C.F.R. § 1.114, whichever event occurs last.

Accordingly, this information disclosure statement requires no fee and no certification.

☐ 37 C.F.R. § 1.97(c).

This information disclosure statement is filed after the period specified in 37 C.F.R. § 1.97(b), but before the mailing date of any of (1) a final action under 37 C.F.R. § 1.113; (2) a notice of allowance under 37 C.F.R. § 1.311; or (3) an action that otherwise closes prosecution in the application.

Accordingly, this information disclosure statement requires either the fee specified in 37 C.F.R. § 1.17(p) for submission of an information disclosure statement under 37 C.F.R. § 1.97(c), or a statement under 37 C.F.R. § 1.97(e).

☐ 37 C.F.R. § 1.97(d).

This information disclosure statement is filed after the period specified in 37 C.F.R. § 1.97(c) since a

☐ final action under 37 C.F.R. § 1.113

☐ notice of allowance under 37 C.F.R. § 1.311

was mailed to the Applicant(s) on _____. The issue fee has not been paid herein.

Accordingly, this information disclosure statement requires the fee set forth in 37 C.F.R. § 1.17(p) to consider an information disclosure statement under 37 C.F.R. § 1.97(d), and a statement under 37 C.F.R. § 1.97(e).

If this statement crosses in the mail with an Office action, or is otherwise not in the indicated category of 37 C.F.R. § 1.97, it is respectfully requested that this statement be treated in the next appropriate category and made of record. To the extent required, please treat this paper as a conditional petition for acceptance of the information disclosure statement.

II FEES

Any required fee is being paid as indicated below by an enclosed check or our deposit account.

- ☒ [x] No fee is due.
- ☐ [] The \$ _____ fee specified in 37 C.F.R. § 1.17(p) for submission of an information disclosure statement under 37 C.F.R. § 1.197(c) or (d) is due.
- ☐ [] A check is enclosed for the required fee.
- ☐ [] Please charge the required fee to our deposit account no. 502885. A duplicate copy of this information disclosure statement is enclosed.
- ☒ [x] The Commissioner is hereby authorized to charge any additional required fees or credit any overpayments associated with this information disclosure statement to our deposit account no. 502885. A duplicate copy of this information disclosure statement is enclosed.

III CERTIFICATION

Pursuant to 37 C.F.R. § 1.97(e), I state as follows:

- ☒ [x] No statement is necessary.
- ☐ [] Each item of information contained in this information disclosure statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement. 37 C.F.R. § 1.97(e)(1).
- ☐ [] No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making reasonable inquiry, no item of information contained in this information disclosure statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this information disclosure statement. 37 C.F.R. § 1.97(e)(2).

Pursuant to 37 C.F.R. § 1.704(d), I state as follows:

- ☐ [] Each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart application, and this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this information disclosure statement.

**IV
FOREIGN LANGUAGE REFERENCES**

Pursuant to 37 C.F.R. § 1.98(a)(3)(i), any information disclosure statement filed under 37 C.F.R. § 1.97 shall include a concise explanation of the relevance, as it is presently understood by the individual designated in § 1.56(c) most knowledgeable about the content of the information, of each patent, publication, or other information listed that is not in the English language. The concise explanation may be either separate from the specification or incorporated therein. In compliance with the rules, the Applicant(s) state as follows:

- ☒ [x] No concise explanation is required since all cited references are in English.
- ☐ [] A concise explanation of the relevance of one or more foreign language references is attached.
- ☐ [] According to the procedural policy adopted by the PTO with regard to disclosure requirements, the Applicant is satisfying the disclosure requirement pursuant to MPEP § 609(III)(A)(3) by submitting herewith the following:
 - ☐ [] English language versions of any non-English language documents.
 - ☐ [] English language versions of one or more search reports or other actions by one or more foreign patent offices in one or more counterpart foreign applications, which indicate the degree of relevance found by the foreign office(s).

The Applicant has not analyzed these documents and, therefore, declines to comment on their relevance at this time.

- ☐ [] One or more English language abstracts for the non-English language references are also enclosed.

**V
REMARKS**

It is respectfully requested that

- (1) the Examiner sign the enclosed Form PTO-1449 to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application; and
- (2) the citations for the cited information be printed on any patent that issues from this application.

The submission of this information disclosure statement by the Applicant(s) shall not be construed as a representation that a search has been performed or that no other material information under 37 C.F.R. § 1.56 exists. See 37 C.F.R. § 1.97(g).

The submission of this information disclosure statement by the Applicant(s) shall not be construed as an admission that any information cited or referred to herein is, or is considered to be, material to the patentability of one or more of the pending claims in this application pursuant to 37 C.F.R. § 1.56(b), unless specifically designated by the Applicant(s) as such. See 37 C.F.R. § 1.97(h).

The submission of this information disclosure statement by the Applicant(s) shall not be construed as an admission that any information cited or referred to herein is, or is considered to be, or even qualifies as "prior art" under 35 U.S.C. § 102 with respect to this invention, unless specifically designated by the Applicant(s) as such.

Notwithstanding any statements by the Applicant(s), the Examiner is urged to form his or her own conclusion regarding the relevance of the cited information.

VI CONCLUSION

The Examiner is encouraged to contact the undersigned attorney to discuss any questions concerning this information disclosure statement or any of the information cited or referred to herein.

Respectfully submitted this 10th day of March 2005.



Reed R. Heimbecher, Esq.

Registration No. 36,353

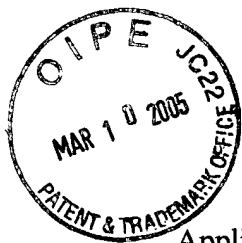
Customer No. 33486

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FAX: (303) 985-0651

cc: Client
Docketing



Express Mail No. ER 566 010 673 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/609,194 Confirmation No. : 7602
First Applicant : Daniel J. Potter Art Unit : 3763
Filed : 26 June 2003 Examiner : NAME
Title : Tearable hemostasis valve and splittable sheath
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Customer No. : 33486

CERTIFICATE OF MAILING BY EXPRESS MAIL

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The undersigned hereby certifies that the attached:

1. Transmittal Form (1 page)
2. Second Information Disclosure statement (5 pages) (in duplicate);
3. Second Form PTO-1449 (1 page);
4. Copies of U.S. Patent Nos. 5,000,745; 5,041,095; 5,092,857; 5,176,652; 5,180,373; 5,312,362; 5,603,702; 6,595,946; 6,610,029; 6,613,014; 6,635,043; 6,666,839; 6,666,846; 6,712,791; 6,752,819; and 6,776,774; and a copy of packaging and instructions for Banana Peel TM Sheath, manufactured by Medi-tech®;
5. Certificate of Mailing by express mail; and
6. Return postcard,

all relating to the above application were deposited as "Express Mail", using the mailing label number noted in the header above, with the United States Postal Service, addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on 10 March 2005.

Mailer

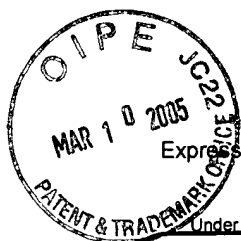
Adam D. Malmut

Customer No. 33,486

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Express Mail Label No.: ER 566 010 673 US

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/609,194
	Filing Date	26 June 2003
	First Named Inventor	Daniel J. Potter
	Art Unit	3763
	Examiner Name	Not Yet Assigned
Total Number of Pages in This Submission	Attorney Docket Number	001-041700US

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	1. PTO-1449 form (1 page);
<input checked="" type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	2. 17 cited references;
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Landscape Table on CD	3. Certificate of Express Mailing
<input type="checkbox"/> Reply to Missing Parts/Incomplete Application	Remarks	4. Postcard
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm Name	Heimbecher & Assoc., LLC	
Signature		
Printed name	Reed R. Heimbecher	
Date	10 March 2005	Reg. No. 36,353

CERTIFICATE OF TRANSMISSION/MAILING		
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:		
Signature		
Typed or printed name		Date

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE (Modified) PATENT AND TRADEMARK OFFICE	ATTY. DOCKET NO. 001-041700US	SERIAL NO. 10/609,194
SECOND INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use several sheets if necessary)		
APPLICANT: Daniel J. Potter		FILING DATE 26 June 2003
	GROUP 3763	

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	PATENT NUMBER	ISSUE DATE	PATENTEE	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	5,000,745	19 Mar 1991	Guest et al			
	5,041,095	20 Aug 1991	Littrell			
	5,092,857	03 Mar 1992	Fleischhacker			
	5,176,652	05 Jan 1993	Littrell			
	5,180,373	19 Jan 1993	Green et al.			
	5,312,362	17 May 1994	Pfolsgraf et al.			
	5,603,702	18 Feb 1997	Smith et al.			
	6,595,946	22 Jul 2003	Pasqualucci			
	6,610,029	26 Aug 2003	Golan			
	6,613,014	02 Sep 2003	Chi			
	6,635,043	21 Oct 2003	Daubert et al.			
	6,666,839	23 Dec 2003	Utterberg et al.			
	6,666,846	23 Dec 2003	Turovskiy et al.			
	6,712,791	30 Mar 2004	Lui et al.			
	6,752,819	22 Jun 2004	Brady et al.			
	6,776,774	17 Aug 2004	Tansey et al.			

FOREIGN PATENT OR PUBLISHED FOREIGN PATENT APPLICATION

		DOCUMENT NUMBER	PUBLISHED DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	Copy of packaging and instructions for Banana Peel™ Sheath, manufactured by Medi-tech® of Boston Scientific, 480 Pleasant Street, Watertown, MA 02172, ster. exp. date of 02/28/99
EXAMINER	DATE CONSIDERED
EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	